

**STATE COASTAL CONSERVANCY  
PUBLIC MEETING MINUTES**

September 20, 1995  
10:00 a.m.

Port Commission Room  
Port of San Francisco  
Ferry Building, Suite 3100  
San Francisco, California

**MEMBERS PRESENT:** Penny Allen (Public Member) (Chair)  
Margaret Azevedo (Public Member)  
James T. Burroughs (Designated Representative, Resources Agency)  
Robert C. Kirkwood (Public Member)  
Tom Crandall (Designated Representative, Coastal Commission)

**OVERSIGHT MEMBERS  
PRESENT:** Mark Krause, representing Senator Henry Mello.

**OTHERS PRESENT:** Michael L. Fischer, Executive Officer  
Pat Peterson, Deputy Attorney General

**APPROVAL OF MINUTES:** Hearing no objections and no changes, Mrs. Allen announced that the Minutes of the August 16, 1995 Public Meeting would stand approved as mailed.

**DEPUTY ATTORNEY  
GENERAL'S REPORT:** There was no Deputy Attorney General's report.

**EXECUTIVE  
OFFICER'S REPORT:** Mr. Fischer introduced Tom Crandall as the Designated Representative for Carl Williams, Chair of the Coastal Commission.

Mr. Fischer reported on the status of the Conservancy's work at the Bolsa Chica wetlands.

Neal Fishman of the Conservancy staff provided a legislative report.

Finally, Mr. Fischer reported on the previous day's formal opening of the Cowell Ranch State Beach.

**ESCONDIDO BEACH  
ACCESS:** Brenda Buxton of the Conservancy staff presented the Staff Recommendation.

# **ESCONDIDO BEACH**

STATE COASTAL CONSERVANCY

Project Summary  
September 20, 1995

MALIBU ACCESS: ESCONDIDO BEACH

File No.: 95-010  
Project Manager: Brenda Buxton

**RECOMMENDED ACTION:** Authorization to (1) accept two vertical access easements, two lateral access easements, and one parking easement, (2) enter into a 20-year interagency agreement with the Mountains Recreation and Conservation Authority (MRCA) to operate and maintain three vertical access easements and two parking easements, and (3) disburse \$82,000 to the Mountains Recreation and Conservation Authority for operation and management.

**LOCATION:** 27398-400, 27420-28, 27450, and 27900-10 Pacific Coast Highway, Escondido Beach, Malibu, Los Angeles County

**PROGRAM CATEGORY:** Public Access

**COST ESTIMATE:** Coastal Commission Malibu Beach Access Fund: \$82,000

**PROJECT SUMMARY:** If approved, this project would open up three new accessways along Escondido Beach in Malibu and require no Conservancy bond funds.

Despite the existence of well-known beaches, such as Zuma and Topanga, many miles of the Malibu coast are inaccessible to the public. Along some sections of the coast, development precludes beach access, while in other areas the beaches suffer from extensive erosion, leaving little space for public access between houses and the ocean. This lack of coastal access could be ameliorated by the acceptance and opening of Malibu's 12 vertical Offers-to-Dedicate (OTDs), but to date, most vertical OTDs are unaccepted and closed due to the lack of a management entity capable of operating and maintaining them. The Los Angeles County Department of Beaches and Harbors and the State Department of Parks and Recreation are unwilling to operate smaller, non-revenue-generating accessways such as these. The City of Malibu currently is writing its Local Coastal Plan and has not yet developed any access policies. The City has not assumed operation and maintenance responsibilities for any dedicated accessways at this time.

The Coastal Conservancy has been working to open up key access points along the Malibu coast since 1979. Escondido Beach has long been a priority because it is a wide sandy beach with public access available only at the extreme ends of the mile-long beach: the privately-owned Paradise Cove (with a \$15 fee for day-use parking) at the western end of the beach and Los Angeles



County's Escondido Creek accessway at the eastern end (Exhibit A). In addition, this beach has three dedicated vertical accessways that, if opened, would provide public access; two are unaccepted, but constructed, and one has been accepted by the Conservancy, but not yet constructed. Until now, the Conservancy has been unable to open up these important beach access points due to the lack of a management agency.

Recently, however, the Mountains Recreation and Conservation Authority (MRCA) has offered to assume responsibility for operation and maintenance of the accessways on Escondido Beach. MRCA is a joint powers agency consisting of the Santa Monica Mountains Conservancy and the Conejo Recreation and Park District. The MRCA operates rural and urban parks in the Malibu area and the San Fernando Valley and has construction and maintenance crews as well as rangers on its staff. The MRCA prefers to focus on Escondido Beach easements since it maintains facilities along the nearby Escondido Falls trail. At this time, the MRCA lacks the resources to take on management responsibilities for other accessways in Malibu. Additionally, the MRCA is not willing to accept the OTDs. For this reason, Conservancy staff recommends that the Conservancy accept the outstanding OTDs, enter into a 20-year interagency agreement with the MRCA for their management, and disburse \$82,000 to the MRCA for at least the first five years of operation and maintenance costs.

The local community has several concerns regarding management and pedestrian safety which the staff of the Conservancy and the MRCA have attempted to address. In order to allay some of the concerns about privacy and safety, Conservancy and MRCA staff have designed a maintenance program that will include locking the gates at night, regular inspections of the stairs, ranger services available on an on-call basis, and weekly trash pick up. Local residents are also concerned about the possibility of beachgoers parking on the inland side of Pacific Coast Highway and crossing this busy highway. However, as is discussed in the project description, there is extensive oceanside parking adjacent to or near the accessways which will minimize the necessity to cross the highway.

In the past, the Conservancy has sought to increase and improve access by assisting with the costs of acquisition of property and/or construction of stairs, trails, and other facilities. At Escondido Beach, acquisition and construction costs are not an issue. The accessways are already dedicated for public use; two of the accessways are built; and the third accessway, owned by the Conservancy, could be constructed with funds set aside for this purpose in a designated account. Furthermore, the Coastal Commission's Malibu Beach Access Fund could be used to cover the expenses of an operation and maintenance entity. In Malibu, the main obstacle to creating new access has been the lack of a management agency, not the lack of funds or property interests. The Conservancy can best carry out its mandate to implement a system of public coastal accessways by enabling a local entity, in this case the MRCA, to assume management responsibilities.

STATE COASTAL CONSERVANCY

Staff Recommendation  
September 20, 1995

MALIBU ACCESS: ESCONDIDO BEACH

File No.: 95-010  
Project Manager: Brenda Buxton

STAFF

RECOMMENDATION: Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31104.1 and 31400 *et seq.* of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the acceptance of Irrevocable Offers-to-Dedicate Public Access recorded as Document Nos. 86-435660, 83-1152650, 83-1152648, 84-426207 and 78-1378614 in the Official Records of Los Angeles County to satisfy conditions of coastal development permits, subject to the condition that the parking easement at 27420-28 Pacific Coast Highway (Shane/Seacliff), offered as Document No. 83-1152648 in the Official Records of Los Angeles County, shall be constructed pursuant to the stipulated settlement agreement between the property owners and the Coastal Commission prior to Conservancy acceptance of this easement; and

The Conservancy further authorizes its Executive Officer to enter into a 20-year interagency agreement with the Mountains Recreation and Conservation Authority (the "MRCA") for the operation and maintenance of the vertical, lateral and parking easements offered as Document Nos. 86-435660, 83-1152650, 83-1152648, 84-426207, 78-1378614, 81-1259943 and 83-108580 in the Official Records of Los Angeles County ("the easements") subject to the following conditions:

1. Prior to opening each easement to the public, the MRCA shall submit for the review and approval of the Executive Officer of the Conservancy a management plan which shall specify the MRCA's responsibilities for that easement including, but not limited to:
  - a. inspecting the easement at least once a week;
  - b. keeping the easement free of trash;
  - c. erecting and maintaining public access signs which specify the terms of use and acknowledge the Coastal Conservancy as the holder of the easements, the MRCA as the management agency, and the Coastal Commission as the funder;



- d. ensuring that the easement is open during designated daylight hours; and
  - e. enforcing the conditions of use of the easement as described in the relevant Offers-to-Dedicate, including the provision that the beach parking areas shall be used only for beachgoers.
2. The vertical and parking easement at 27900-10 Pacific Coast Highway (Chiate/Wildman), offered as Document Nos. 80-1161952, 81-1259943, 82-11159 and 83-108580 in the Official Records of Los Angeles County, or at an alternative location approved by the Conservancy and the Coastal Commission, shall be opened to the public under MRCA management only after all necessary construction has been completed pursuant to authorization of the Conservancy.

The Conservancy also authorizes its Executive Officer to amend the Conservancy's Memorandum of Understanding with the California Coastal Commission, attached to the accompanying staff recommendation as Exhibit B, to provide for the use of up to eighty-two thousand dollars (\$82,000) for management of these easements, and authorizes the disbursement of these funds to the MRCA for the operation and maintenance of the easement for a minimum of five years."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. Acceptance of the Irrevocable Offers to Dedicate Public Access is consistent with the Conservancy's mandate and authority under Public Resources Code Section 31104.1 to serve as a repository for interests in lands whose reservation is required to meet the policies and objectives of the Coastal Act; and
2. The proposed agreement with the MRCA for operation and maintenance of Escondido Beach easements is consistent with the purposes and objectives of Sections 31400 *et seq.* of the Public Resources Code, and with the Conservancy's Access Standards and Program Criteria."

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**STAFF DISCUSSION:**

**Project Description:** Upon approval of this recommendation, the Conservancy will accept the outstanding vertical and lateral access and parking easements in the Escondido Beach area of Malibu and then enter into an interagency agreement with the Mountains Recreation and Conservation Authority (the "MRCA") to operate and maintain

these easements as well as a vertical easement already held by the Conservancy.

#### Operation and Maintenance

In order to address concerns presented by the local community as much as possible, Conservancy and MRCA staff have outlined a maintenance program which will include 1) inspecting the accessways for safety at least once a week; 2) weekly trash pick up; 3) maintaining signs at each easement, as appropriate, which specify terms of use and acknowledge the Coastal Conservancy as the holder of the easements, the MRCA as the manager, and the Coastal Commission as funder; 4) ensuring that the accessways are open during daylight hours; 5) performing routine repairs; and 6) enforcing the conditions of use of the accessways, including the provision that the parking accessways are to be used for beach parking only. Furthermore, the MRCA will also provide ranger services that will provide a quick response to emergency situations and will lock the accessways at night in order to assure the privacy of the local residents.

There are three vertical accessways on Escondido Beach (Exhibit A). The Coastal Conservancy accepted the vertical OTDs at 27900-10 Pacific Coast Highway (PCH) (Chiate/Wildman) in 1982, but the accessway has not been constructed and is closed to the public. The two other vertical accessways at 27398-400 PCH (Geoffrey's Restaurant) and 27420-28 PCH (Shane/Seacliff) have already been built as a condition of the property owners' coastal development permits, but are not open to the public. The vertical accessways are discussed below:

#### 27398-400 Pacific Coast Hwy (Geoffrey's Restaurant, Exhibit C)

Pursuant to a 1978 coastal development permit (#P-2130), the applicants, Stern *et al.*, were required to deed restrict their property to allow the public to use an already-constructed stairway and path for beach access. Instead the applicants elected to record an Offer-to-Dedicate over the same area for acceptance by a management agency in the future.

This accessway is currently being used by adjacent upland property owners. Since this accessway requires beachgoers to go through a restaurant patio to reach the beach, unlike the nearby Shane/Seacliff accessway, it likely will not be heavily used. However, staff recommends that this accessway be accepted since it would be used by restaurant patrons and provide an alternative beach route.

#### 27420-28 Pacific Coast Hwy (Shane/Seacliff, Exhibit D)

This accessway was constructed as a condition of a coastal development permit (#A-184-80) approved in 1980. In consideration for the development authorized under that permit, the homeowners not only offered to build the stairs, they also offered



to create two public parking spaces and to operate and maintain the accessway for no more than 21 years or until a nonprofit or government entity accepted responsibility for the accessway. The homeowners did build the stairway which served as their access to the beach. However, they never opened the accessway to the public and did not build the parking spaces. This case has been the subject of a Coastal Commission enforcement action for many years. Conservancy staff has been working with Coastal Commission staff to resolve this coastal permit violation. The vertical easement recently has been completed and pursuant to a settlement agreement, the homeowners will complete the two off-street parking spots. The Conservancy will accept the parking OTD after it has been constructed.

Parking for the Geoffrey's Restaurant and Shane/Seacliff easements (Exhibit E)

Two off-street parking spots next to the Shane/Seacliff easement entrance will serve both accessways. Since this is a small amount of parking, local residents are concerned that beachgoers will park on the inland side of PCH and cross this high-speed, heavily-trafficked road. However, there is extensive oceanside, on-street parking available. Parking is permitted on the ocean side of Pacific Coast Highway (PCH) adjacent to the eastern edge of the restaurant property. This area would hold approximately 27 cars and is currently used by the restaurant patrons and others. Additional oceanside, on-street parking for approximately 150 cars is available approximately 170 yards upcoast from the Shane/Seacliff easement and 350 yards upcoast from the Geoffrey's restaurant easement (Exhibit E). On this particular stretch of PCH, parking is prohibited immediately adjacent to driveways.

At the present time, people do cross the highway for a variety of reasons. Geoffrey's Restaurant uses both the ocean side and the inland side of PCH as a repository for its valet-parked cars and the valet parkers must occasionally cross the highway. Local residents who do not have beachfront property must cross PCH to reach the beach. Inland residents, unfortunately, will continue to have to make this difficult crossing whether or not these accessways are opened. For beachgoers driving to the site, safe, oceanside parking is available adjacent to or near these accessways. In addition, there are two locations for westbound drivers who drive past the accessways to make U-turns and park on the ocean side.

In other areas of Malibu where beachgoers avoid the oceanside parking lots and park on the inland side of PCH, they do so to avoid paying parking fees. Since the Escondido Beach accessways and the on-street parking are free, beachgoers will not have a monetary incentive to park on the inland side of PCH.

27900-10 Pacific Coast Highway (Chiate/Wildman, Exhibit F)

A vertical OTD at this location was accepted by the Coastal Conservancy in 1982. Acceptance of the parking OTD was authorized but has not been completed due to unauthorized



improvements in the easement area that would need to be relocated before the parking area could be constructed. Conservancy staff is working to resolve this problem and accept the parking OTD. Although the Coastal Conservancy holds \$400,000 in a special deposit account for the construction of the vertical and parking easements, they were never constructed due to the lack of a local management agency. Since the MRCA has offered to manage this accessway (once constructed), Conservancy staff has commenced a construction feasibility analysis and recently completed a topographic map of the easement.

The property owners strongly object to the construction of this accessway and have offered to pay an in-lieu fee for the Conservancy to construct an accessway elsewhere in Malibu. Staff has rejected this option for several reasons. First, the intent of the permit was to mitigate the impacts of development by requiring an Offer-to-Dedicate to provide public access to Escondido Beach, a mile-long, relatively broad beach with extremely limited public access. Providing access to other beaches of Malibu would not fulfill this intent. Secondly, if the Conservancy sold its interest in this easement, it would create a precedent that would encourage property owners all over Malibu to do the same. Finally, going somewhere else outside of Escondido Beach will not make the task of providing access easier. Access to other beaches in Malibu will be equally challenging since many beaches face similar private property, geological, traffic, and parking constraints.

However, staff has agreed to consider a property owners' proposal that would allow alternative access to Escondido Beach: a 13-car parking lot just east of the Escondido Creek public accessway. Staff is considering this alternative because it is consistent with the original intent of the permit which was to provide access to Escondido Beach. The property owners are currently conducting a feasibility analysis. Conservancy staff will review this study, evaluate the relative merit of the alternative, and if acceptable, bring the alternative to the Conservancy Board and the Coastal Commission for approval. If approved, Conservancy staff would then seek to enter into an operations and management agreement with the MRCA for this alternative accessway. If the alternative proves infeasible, the Coastal Conservancy will construct the existing Chiate/Wildman easement and enter into an agreement with the MRCA for management.

The Conservancy has received many letters opposing both the concept of an accessway "trade" and the proposed 13-car parking lot alternative. Other letters have requested that the Conservancy open the Chiate/Wildman easement for public use (Exhibit G). In addition, local residents who attended a public meeting in August in Malibu identified several problems with the 13-car parking lot: it would require massive grading and retaining walls, the area is an active slide, and it would concentrate more beachgoers at an existing accessway that is already heavily used. Conservancy staff would expect the property owners to address these concerns in order to demonstrate that this alternative is feasible and has more



merit than the existing Chiate/Wildman easement. The decision to either construct the existing Chiate/Wildman accessway or accept an alternative will, in any case, be the subject of a future Conservancy staff recommendation.

**Project Financing:** This project uses no Conservancy funds directly, though a considerable amount of staff time has been, and will be, devoted to completing these access projects. The construction of the two vertical and one of the parking OTDs was or will be completed by the property owners as part of their coastal development permit conditions. The vertical easement owned by the Conservancy will be developed with funds from an account that has been earmarked for this purpose.

Staff anticipates that at least the first five years of the Mountains Recreation and Conservation Authority's operation and maintenance costs will be covered by \$82,000 from the Coastal Commission's Malibu Beach Access Fund, an in-lieu fee assessed on commercial development in Malibu. After the Coastal Conservancy and the Coastal Commission amend their existing Memorandum of Understanding (Exhibit B), these funds will be transferred to the Coastal Conservancy to be administered as part of the management agreement. These funds will cover the direct labor costs of cleaning, repairing, and patrolling these accessway as well as material costs, such as signs, paint, locks, fencing, *etc.* The Mountains Recreation and Conservation Authority will be able to save on some operation costs since they are already managing a parking lot near by on Winding Way. After the five-year period, if there are no longer sufficient funds, the Conservancy and the MRCA have several options. The MRCA could cover the management costs out of its own revenues. The Conservancy could seek another management entity to bear the costs, such as Los Angeles County. The Conservancy and the MRCA could seek additional funds from the Malibu Beach Access Fund and/or use these funds to create a management endowment to cover the long-term costs. Finally, in a worse case scenario, if there were no management entity or funds, the Conservancy could close the accessways.

**Site Description:** Escondido Beach is immediately east of Point Dume, a promontory that divides the Malibu coast into two nearly equal sections (Exhibit H). This mile-long beach is wide and sandy, with most of the residences located above the beach on the bluffs. The existing accessway at Escondido Creek is the only free public access to the beach for approximately three miles upcoast to Point Dume.

Photographs or slides of the easements described below will be presented at the Conservancy Board meeting.

The accessway at 27390-400 PCH (Geoffrey's Restaurant) runs along the edge of the Geoffrey's restaurant valet parking area, continues past the dining patio, goes down a staircase, across



Escondido Beach road, and finally past two houses to the beach. Since this accessway requires beachgoers to enter near a restaurant, it is not expected to receive extensive public use. However, it does provide more convenient beach access for restaurant patrons and an alternative beach access route.

The accessway offered for public use at 27420-28 PCH (Shane/Seacliff) consists of a stair from PCH that connects to a walkway running the length of the property. The walkway is screened by trees on the eastern side and a high wall along the westerly edge and terminates in a stairway that takes visitors down a steep cliff. The property owners will build a parking area for two cars adjacent to the accessway's entrance on PCH.

The easement at 27450 PCH (Newton-John) provides lateral beach access and is immediately adjacent to the lateral at 27420-28 PCH.

The accessway at 27900-10 PCH (Chiate/Wildman) has yet to be constructed. The future accessway would cross an existing driveway and tennis court (constructed on the Conservancy's easement without authorization), pass between two residences, and go down steep erodible cliffs to the beach. The access easement was required as a condition of a subdivision which created the two long, narrow parcels; both property owners object to the construction of the pathway along the easement. The parking area, located adjacent to PCH, could hold approximately five to eight cars. The design and construction of the path and parking without creating unacceptable environmental impacts will be challenging. Because of the site's physical challenges, staff has agreed to consider alternatives that the property owners have sought in exchange for extinguishing this easement. Although the property owners have actively sought alternatives for the last five years, to date, no suitable alternative has been found (and the 13-car parking lot has yet to be evaluated.) However, given that a management agency is now available for the easement, staff is proceeding with a construction feasibility analysis and will construct the easement unless the property owners present an acceptable alternative.

**Project History:** Malibu has long been a public access priority for both the Coastal Conservancy and the Coastal Commission. Serving the nearly 10 million inhabitants of Los Angeles County as well as many tourists from all over the world, Malibu is perhaps the most famous section of the California coast. During the past few decades, Malibu has experienced tremendous growth which has increased population and the demand for recreational opportunities. At the same time, the budget constraints of local governments and beachside development have restricted beach access opportunities for the public.

Despite these obstacles, the Conservancy has sought to increase public access to Malibu's beaches. In 1979, the Conservancy provided financial assistance that enabled the California



Department of Parks and Recreation to open to the public three beaches in western Malibu, the Robert H. Meyer Memorial State Beaches.

In 1990, the Conservancy authorized the acceptance of up to \$300,000 from the Coastal Commission's Malibu Beach Access Fund for the operation and maintenance of Malibu accessways and the disbursement of \$50,000 to the Surfrider Foundation for the operation and maintenance of one of the Escondido Beach accessways, 27420-28 PCH (Shane/Seacliff). The Surfrider Foundation subsequently underwent a major reorganization and was not able to assume these responsibilities. Coastal Conservancy staff has continued to search for other management entities over the last five years. Recently, the MRCA has agreed to maintain the accessway at 27420-28 PCH (Shane/Seacliff) in addition to the other accessways along Escondido Beach. \$82,000 from the Coastal Commission's Malibu Beach Access Fund, which includes the \$50,000 that originally was to go to the Surfrider Foundation, will be used to cover management cost.

The Surfrider Foundation remains interested in providing public access in Malibu and continues to work with Conservancy staff in opening other priority Malibu access OTDs outside of Escondido Beach.

**Job Creation:** This project is not anticipated to have significant job creation opportunities since most of the accessways are already built and the MRCA will use existing staff to operate and maintain the accessways. However, tourism is an important part of Malibu's economy and this project will increase the amount of visitor-serving facilities in Malibu, and thus support, albeit in a modest way, a significant part of Malibu's economy.

**PROJECT SUPPORT:** This project has been very controversial in the local community and staff has received many letters. These letters can be divided into the following general categories: 1) support for the project, (Exhibit I), 2) opposition to the opening of the accessways, particularly the Geoffrey's Restaurant easement, for a variety of reasons (Exhibit J), and 3) opposition to the Chiate/Wildman property owners' proposed 13-car parking lot alternative and/or requests for opening of the Chiate/Wildman easement (Exhibit G). When appropriate, Conservancy staff has responded to concerns to these letters and the response is attached. In addition, staff attended a public meeting on August 10 in Malibu in order to listen to the local residents' concerns and respond to questions. A letter from staff responding to questions is in Exhibit K.

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:** Public Resources Code Section 31400 provides that it is the policy of the state to guarantee public access and enjoyment of coastal resources. That section also provides that the Conservancy should



have a principal role in implementing a system of public accessways to and along the state's coastline. This project will further those goals by creating new accessways in a heavily-visited region.

In addition, Section 31400.3 of the Public Resources Code states that "the Conservancy may provide such assistance as is required to aid public agencies and nonprofit organizations in establishing a system of public coastal accessways, and related functions necessary to meet the objectives of this division."

Acceptance of the Offers-to-Dedicate Public Access is consistent with Public Resources Code Section 31104.1 which states "the conservancy shall serve as a repository for lands whose reservation is required to meet the policies and objectives of the California Coastal Act." Increasing the amount of beach access is one of the key objectives of the Coastal Act, and the accessways were dedicated because the Coastal Commission found them necessary to make permitted developments consistent with Coastal Act policies and objectives.

**CONSISTENCY WITH  
CONSERVANCY'S  
PROGRAM GUIDELINES:**

**Consistency with Local Coastal Program:** Malibu does not have a certified Local Coastal Program at this time. The approved County Land Use Plan, a document used to guide beach planning until the LCP is certified, recognizes Escondido Beach as a priority access area and calls for accessways at every 2,000 feet of beach frontage. At the present time there is a mile between the two existing accessways at Escondido Beach.

**Consistency with Access Standards:** This project is consistent with all applicable access standards. The accessways are located where they will safely accommodate public use and either are or will be screened and/or fenced to ensure the privacy of adjoining residences (Standard Nos. 1 and 4). The vertical accessways are at least ten feet wide (Standard No. 3). This project also takes advantage of vertical Offers-to-Dedicate in order to increase public access (Standard No. 7).

**Urgency:** Offers-to-Dedicate expire, for the most part, unless accepted within 21 years after they are dedicated. Considering how difficult it is to secure a management entity for these OTDs, this project is an unique opportunity that should be implemented immediately.

**Cost-Effectiveness:** These projects are expected to be extremely cost-effective because two of the three accessways have already been constructed and the third has funds from a private party set aside to build it. The MRCA will provide efficient operations and maintenance since it maintains another public facility in the immediate area.

**Timely Completion:** Operations and maintenance of the accessway will commence immediately after the necessary improvements have been made to the vertical accessways and parking areas and the Coastal Conservancy has taken title to the easements and entered into an agreement with the MRCA regarding operations and maintenance.

**Increased Access:** This project will open up new areas of the beach that are little used because of their distance from existing public accessways.

**CONSISTENCY WITH  
THE COASTAL ACT:**

This project is consistent with the policies and goals of the Coastal Act. Section 30210 of the Coastal Act states that "maximum access . . . shall be provided for all the people." This project will use Offers-to-Dedicate Public Access to provide the maximum access possible to the Escondido Beach area. Because dedications of these easements were required by the Coastal Commission as conditions of permitted development, the project also implements specific findings of the Commission of the need for public access at these locations. In addition, Section 30214(4) says "public access policies . . . shall be implemented in a manner that takes into account . . . the need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter." By entering into a management agreement with the MRCA, the Conservancy will be able to meet these requirements.

**COMPLIANCE  
WITH CEQA:**

This project is exempt under 14 California Code of Regulations Section 15301(b) because it will involve only operation and maintenance of existing facilities involving negligible or no expansion of use beyond that previously existing. The vertical easement at 27398-400 PCH (Geoffrey's Restaurant) is not expected to receive extensive additional use since it is less inviting to the public due to proximity of the restaurant dining patio. The main users will be restaurant patrons. Acceptance of this accessway is expected to have negligible expansion of use. The vertical accessway at 27420-28 PCH (Shane/Seacliff) is already opened and the parking area will be constructed and opened to the public pursuant to a coastal development permit condition before the Conservancy accepts this easement. The Conservancy's acceptance of these easements will not increase their use. Construction and opening of the accessway and parking area at 27900-10 PCH (Chiate/Wildman) would be subject to CEQA review and analysis when presented to the Conservancy for authorization.



*held or to be accepted by Coastal Conservancy*

1 mile





MEMORANDUM OF UNDERSTANDING

This memorandum is intended to provide for the expenditure of funds in the Malibu Beach Access Fund of the California Coastal Commission and to create a framework of cooperation between the California Coastal Commission and the State Coastal Conservancy with respect to beach access in the Malibu area of Los Angeles County, California.

WHEREAS, the California Coastal Commission (the Commission) is a state agency established pursuant to Public Resources Code Section 30000, and is charged with primary responsibility for implementing and enforcing the California Coastal Act of 1976 (Public Resources Code Sections 30000 et seq. (the Coastal Act)); and

WHEREAS, the State Coastal Conservancy (the Conservancy) was established under Division 21 of the Public Resources Code (Section 31000 et seq.) to implement programs pursuant to the Coastal Act; and the Conservancy has been given authority to create a system of public accessways along the state's coastline; and

WHEREAS, pursuant to Public Resources Code Section 30532 the Commission may enter into agreements with those state agencies that currently operate public coastal access programs and wishes to enter into agreements with the Conservancy to carry out its responsibility to accept, operate and maintain public accessways; and

WHEREAS, the Conservancy is undertaking a comprehensive access program for Malibu which locates priority vertical accessways and public and nonprofit management agencies to operate and maintain the accessways; and

WHEREAS, the Commission and the Conservancy desire to use the Malibu Beach Access Fund to develop, operate and maintain these priority vertical accessways;

NOW, THEREFORE, the Commission and the Conservancy agree as follows:

1. Pursuant to the Conservancy's December 7, 1990 approval providing for the operation and maintenance of public accessways at Escondido Beach, the Executive Officer of the Commission shall review and approve a specific management plan for the Escondido Beach Accessway.

2. Upon approval of the management plan the Commission shall transfer the sum of \$50,000 to the Conservancy to be deposited in a special deposit fund account in the State Treasury and used for a grant to the Surfrider Foundation to implement the approved plan for operation and maintenance of the Escondido Beach Accessway.
3. The Conservancy shall use the funds to provide for development, operations, and maintenance of public accessways at the above sites pursuant to terms and conditions adopted by the Conservancy in its approval of the project. Such terms and conditions shall be adequate to assure responsible management of the accessway for 10 years consistent with the purposes of this MOU and the requirements of Division 21 of the Public Resources Code.
4. No more than five percent (5%) of the funds made available from these funds may be used to pay for the administrative costs of the Conservancy and/or its grantee. The balance of funds shall be used to pay for direct costs of development, operation, and maintenance of the accessway including but not limited to the capital costs of construction and maintenance, materials and services necessary to keep the accessway open for safe public use, the costs of employee salaries and contractor services directly related to the development, operation, and maintenance of the accessway, and the costs of enforcement of easements and restrictions authorizing public rights of use.
5. The Conservancy shall provide the Commission with an evaluation of the operation and management of the Escondido Beach Accessway after the first six months of operation and after the first summer (June through August) of use, unless included in the first six months of operation. Thereafter the Conservancy shall provide to the Commission an annual accounting of expenditures, balances remaining and an evaluation of the program established under this MOU.
6. The Conservancy shall assure that a sign is posted at the opening of the entrance of the Escondido Beach accessway stating the terms of use and a local telephone number of the Surfrider Foundation as well as police and emergency services. The sign shall also identify the Surfrider Foundation as the manager of the accessway under contract with the State Coastal Conservancy, with funding provided by the Coastal Commission through the Malibu Beach Access Fund.



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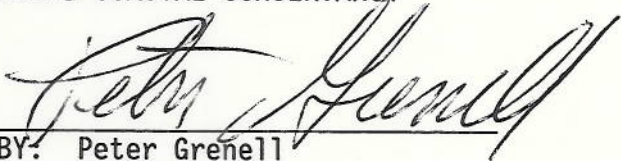
7. The Conservancy shall distribute a press release to the local media to announce the opening of the Escondido Beach accessway, state the terms of use, and identify the Surfrider Foundation as the manager of the accessway under contract with the State Coastal Conservancy, with funding provided by the Coastal Commission through the Malibu Beach Access Fund.
8. Upon approval by the Conservancy of other projects which consist of the development and/or operation and maintenance of public accessways in Malibu, and subject to Commission authorization to use funds in the Malibu Beach Access Fund for that purpose, the Commission may transfer additional funds from the Malibu Beach Access Fund to the Conservancy. Such funds shall be deposited in a special deposit fund account and used in accordance with requirements of the Commission authorization.

Dated: July 29, 1991

CALIFORNIA COASTAL COMMISSION

  
BY: Peter Douglas  
Executive Director

STATE COASTAL CONSERVANCY

  
BY: Peter Grenell  
Executive Officer